

The Honorable S. Kate Vaughan

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

v.

TED KARL FAUPEL,
Defendant.

CASE NO. *MJ22-232*

COMPLAINT for VIOLATION

Title 21, U.S.C.
Sections 841(a)(1) and 841(b)(1)(A)(viii)

BEFORE the Honorable S. Kate Vaughan, United States Magistrate Judge, United
States Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT ONE

Possession with Intent to Distribute Controlled Substances

On or about May 25, 2022, in San Juan County, within the Western District of
Washington, TED KARL FAUPEL did knowingly and intentionally possess, with the
intent to distribute, controlled substances, namely methamphetamine, a substance
controlled under Title 21, United States Code, Section 812.

1 It is further alleged that this offense involved 50 grams or more of
2 methamphetamine, its salts, isomers, and salts of its isomers, or 500 grams or more of a
3 mixture or substance containing a detectable amount of methamphetamine, its salts,
4 isomers, or salts of its isomers.

5 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

6 I, Jeffrey C. Gibbons, being first duly sworn on oath, depose and say:
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8 **I. INTRODUCTION AND AGENT BACKGROUND**

9 1. I am a Special Agent of the United States, Immigration and Customs
10 Enforcement, Homeland Security Investigations (HSI), which is a bureau of the
11 Department of Homeland Security. I am an "investigative or law enforcement officer of
12 the United States" within the meaning of 18 U.S.C. § 2510(7). As such, I am empowered
13 to conduct investigations of and make arrests for offenses enumerated in Title 18, United
14 States Code, Section 2516.

15 2. I have been employed as a Special Agent since August 15, 2010. I attended
16 the Department of Homeland Security Criminal Investigator Training Program and the
17 Homeland Security Investigations Special Agent Training Academy at the Federal Law
18 Enforcement Training Center located at Glynco, Georgia, which included formalized
19 instruction in federal laws, rules of criminal procedures, administrative proceedings, and
20 investigative techniques. The training program also included advanced narcotic
21 investigations, drug identification, physical and electronic surveillance, smuggling
22 investigations and immigration and customs laws and regulations. I have a total of
23 approximately 18 years of law enforcement experience.

24 3. My office of assignment is the HSI, Office of the Assistant Special Agent
25 in Charge (ASAC), Blaine, Washington. I am currently assigned to the Border
26 Enforcement Security Task Force, which conducts investigations concerning criminal
27 violations relating to the smuggling and transportation of contraband to include
28 controlled substances. I have participated in and conducted investigations of violations of

1 various state and federal criminal laws, including unlawful possession with intent to
2 distribute controlled substances, distribution of controlled substances, and conspiracy to
3 import, possess and distribute controlled substances, all in violation of Title 21 and Title
4 18 of the United States Code.

5 4. This affidavit is made in support of a complaint charging TED KARL
6 FAUPEL with the offense of Possession with Intent to Distribute Controlled Substances,
7 namely methamphetamine.

8 5. The facts set forth in this Affidavit are based on my own personal
9 knowledge and investigation; information gained through my training and experience as a
10 law enforcement agent; information provided to me by or through other law enforcement
11 agents, investigators, and individuals with knowledge of this matter; and my review of
12 documents and records related to this investigation.

13 6. Because the limited purpose of this affidavit is to establish probable cause,
14 not every fact known to me, or to other investigators, is included herein. I have set forth
15 the facts that I believe are necessary for a fair determination of probable cause for the
16 charge alleged in this Complaint.

17 II. SUMMARY OF PROBABLE CAUSE

18 7. As set forth in greater detail below, I believe that defendant TED KARL
19 FAUPEL possessed approximately 1,431 pounds of methamphetamine with the intent to
20 distribute it.

21 8. On May 25, 2022, at approximately 10:00 a.m., CBP AMO Vessel 332120
22 (M120) conducted a vessel stop south of Stuart Island in position N48°37.996
23 W123°13.863. The vessel stopped was a Bayliner Capri recreational boat approximately
24 18 feet in length, heading westbound toward the US/Canadian Border. Blue lights and
25 sirens were engaged to initiate a vessel stop to conduct a document check as per 19
26 U.S.C. § 1581 and to determine if the captain intended to go outbound to Canada.
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1 9. The Bayliner vessel did a slow turn to port and then eventually came to a
2 stop. Office of Field Operations (OFO) officers Seth Evans, Gelacio Valenzuela, and
3 Bryce Anderson proceeded to the bow of CBP vessel M-120 to conduct a boarding of the
4 vessel. They observed that the Bayliner had a Canadian registration of (1K2551) on the
5 side of the vessel, and that the vessel itself was riding extremely low in the water like it
6 was overloaded.

7 10. The subject driving the Bayliner was a Canadian citizen identified as: TED
8 KARL FAUPEL. FAUPEL stated that he had come from Cowichin Bay, BC and was
9 heading to Sidney, BC. He indicated it wasn't his boat, but that he was moving it for a
10 friend. FAUPEL stated that he had gotten himself turned around and was heading back to
11 Canada.

12 11. At this point, the OFO officers decided to board the Bayliner and conduct
13 an outbound border search since FAUPEL came from Canada, and stated he was heading
14 back to Canada. FAUPEL's direction of travel and proximity to the border indicated this
15 as well. OFO Officer Evans asked FAUPEL if he had any guns onboard to which he
16 stated "no." FAUPEL was then asked if he could remove the back canvas of the Bayliner
17 so that OFO officers could go onboard. FAUPEL complied.

18 12. Once the canvas was removed, 10-15 duffle bags were revealed stacked on
19 the back deck. The duffle bags also had padlocks on the zippers of the bags.



13. OFO Officers Evans, Valenzuela and Anderson proceeded onboard the vessel to conduct a border search. OFO Officer Evans asked FAUPEL if there was anything on the boat he was not supposed to have. He stated not to his knowledge. FAUPEL was asked what was in the duffel bags, to which he replied that he didn't know.

14. Under customs border search authority, OFO Officer Evans made a small cut in one of the duffel bags to reveal its contents. It revealed vacuum sealed bags with crystal like rocks consistent with methamphetamine. FAUPEL was taken into custody at that time and was transported along with the vessel to the Bellingham Coast Guard station where he was turned over to Homeland Security Investigations (HSI) for further investigation.

15. Meanwhile, on May 25, 2022, at approximately 10:50 a.m., CPB OFO alerted SA Ledgerwood and I about the boarding, and we responded to the Bellingham Coast Guard Station. At approximately 12:00 p.m., OFO vessel M-120 with FAUPEL in custody and the Bayliner Capri operated by OFO Evans arrived and docked.

16. Upon arrival, CBP officer Zachery Rebro conducted a sweep of the vessel with K9 Rocco, who alerted to the presence of narcotics. The vessel was then unloaded, and agents removed a total of 28 duffel bags of suspected packaged methamphetamine from the deck, cabin, and cuddy area of the boat. The duffel bags were all secured with luggage padlocks.



17. Two duffel bags were opened, and the contents field tested. The test returned results consistent with methamphetamine. All the duffel bags were then transported to evidence storage, where the contents were removed and weighed. The bags

1 contained 539 packages of methamphetamine for a total amount of 1,431.81 pounds (or
2 649.46 kilograms).



15 18. Agents also removed a backpack from the boat, in which a loaded 9mm
16 pistol was found, along with a box of 9mm ammunition. Agents discovered a ledger in
17 the backpack that documented details regarding this narcotics smuggling event, as well as
18 others. Also discovered were three cellular phones and a single US dollar bill that had
19 "28 duffle bags" and a signature on it. Based on my training and experience, this is a
20 verification method used by drug trafficking organizations in order to maintain security
21 while transporting narcotics.

22 19. FAUPEL was interviewed at approximately 12:13 p.m. by SA Ledgerwood
23 in the presence of SA Acala and me. The interview took place in the English language,
24 and the audio was recorded via digital audio recorder. FAUPEL was read his *Miranda*
25 rights, which he stated that he understood.

26 20. During the interview, FAUPEL stated that he resided in the area of Alberta,
27 Canada, and that he was in Victoria, British Columbia, Canada looking for work.

1 FAUPEL further relayed that while hiking by the marina in Sidney, Vancouver Island, he
2 was approached by an individual he identified as "Mike," who hired FAUPEL for the
3 sum of \$1,000 to drive a boat from Sidney, British Columbia to Anacortes, Washington
4 and back to Sidney, British Columbia in order to transport "Mike's" luggage. "Mike"
5 took a picture of FAUPEL's ID and then took him to the Bayliner Capri at the Sidney
6 marina.

7 21. FAUPEL departed on May 24, 2022, and arrived in Anacortes, WA at the
8 Washington State Park boat dock that same day. FAUPEL stated that he was met by four
9 men driving a black crew cab Toyota with a boat trailer. They then transported FAUPEL
10 to the Anacortes Inn, where FAUPEL stayed by himself overnight.

11 22. On May 25, 2022 at approximately 7:00 a.m., FAUPEL left his room and
12 was met by three men, who had loaded the Bayliner Capri onto the trailer behind the
13 black Toyota Truck. FAUPEL was then driven back to the Washington State Park boat
14 dock, where he was launched in the Bayliner Capri. He proceeded back toward Canada in
15 the boat, where he was intercepted by the OFO boat.

16 23. Upon questioning, FAUPEL denied knowing anything about the narcotics
17 on the boat. He stated that he "found" the 9mm pistol. Upon further questioning,
18 FAUPEL admitted that the 9mm pistol was his, and that he carried it for safety while
19 hiking but maintained that he believed that he was transporting luggage. FAUPEL stated
20 that after departing he drove the boat in circles and contemplated turning the boat in to
21 the police, but he did not because he feared for his family's safety.

22 24. When asked why he did not check in with US Customs upon entering the
23 United States, FAUPEL stated that he didn't know that it was required. FAUPEL relayed
24 that he was told to leave the boat at the Sidney Marina with the dollar bill on the seat.

25 III. CONCLUSION

26 25. Based on the above, there is probable cause to believe that TED KARL
27 FAUPEL did knowingly and intentionally Possess with Intent to Distribute Controlled
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1 Substances, namely, methamphetamine, in violation of Title 21, United States Code,
2 Sections 841(a)(1) and 841(b)(1)(A)(viii).

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7 JEFFREY C. GIBBONS, Complainant
8 Special Agent
9 Homeland Security Investigations

10 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
11 presence, the Court hereby finds that there is probable cause to believe the Defendant
12 committed the offense set forth in the Complaint.

13 Dated this 26th day of May, 2022.

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17 HON. S. KATE VAUGHAN
18 United States Magistrate Judge
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